

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEVON TROTTER,
Plaintiff,

v.

GILEAD SCIENCES, INC.,
Defendant.

Case No. 21-cv-06947-JST

**ORDER CONSTRUING COMPLAINT
AS NOTICE OF INTENT TO
PROCEED WITHOUT A LAWYER;
ORDER DENYING MOTION TO
DISMISS AS TO PLAINTIFF DEVON
TROTTER**

Re: ECF Nos. 42, 43

On January 21, 2025, the Court granted Plaintiffs' counsel's motion to withdraw as to Plaintiff Devon Trotter. ECF No. 41. The Court ordered counsel to serve a copy of that order on Trotter and provided that Trotter "shall file either a notice of appearance through new counsel or a notice of intent to proceed by representing [himself] without a lawyer" within 45 days of service. *Id.* at 4. Plaintiffs' counsel served the order on Trotter on January 24, 2025. *Holley v. Gilead Sciences, Inc.*, No. 18-cv-6972-JST, ECF No. 1682. The 45-day period for Trotter to file a response therefore expired on March 10, 2025.

On March 7, 2025—within the allowed time—Trotter filed a complaint, accompanied by a civil cover sheet, a proposed summons, and an application to proceed without prepaying fees or costs. ECF No. 42. The Court construes the complaint as a notice by Trotter that he intends to proceed in this case by representing himself without a lawyer. Because no filing fee is due, the Court terminates as moot Trotter's request to proceed without prepaying fees or costs. ECF No. 42-3. In addition, the Clerk need not issue the proposed summons at this time. ECF No. 42-2.

Defendant Gilead Sciences, Inc. has moved to dismiss Trotter's claims on grounds that, as of March 11, 2025, he had failed to file the notice required by the Court's January 21, 2025 order. ECF No. 43. However, as noted above, Trotter filed a complaint before that date, and the Court

1 construes that complaint as a notice of intent to proceed without a lawyer. Gilead's motion to
2 dismiss Trotter's claims is therefore denied. Trotter does not need to file a response to Gilead's
3 motion.

4 **IT IS SO ORDERED.**

5 Dated: March 13, 2025

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7 JON S. TIGAR
8 United States District Judge
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